

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:14-CR-00175 AGF (DDN)
	)	
MARK PALMER <i>et. al</i> ,	)	
	)	
Defendant.	)	

**DEFENDANTS' JOINT MOTION FOR EXTENSION OF TIME TO FILE ANY  
MOTION TO DISMISS INDICTMENT**

COME NOW Defendants, by and through their respective undersigned counsel, and hereby move for the Court to grant them a sixty day extension of time, to and including Tuesday, September 1, 2015, in which to file any Motion to Dismiss the indictment. In support of their motion, Defendants state as follows:

1. There is currently a deadline set of July 1, 2015 for any motion to dismiss to be filed in this matter. The Court previously granted a request to extend the deadline from June 1, 2015 to July 1, 2015. *See* Doc. 158.
2. On January 15, 2015, counsel for Defendants who are represented pursuant to the Criminal Justice Act ("CJA Counsel") filed an *ex parte* request under seal for, *inter alia*, payment of expert services for the purpose of making the expert consultation necessary to provide adequate representation in this matter through pre-trial motions, including any motion to dismiss. *See* Doc. [124]. That request remains pending before the Court. In view of the fact that the CJA counsel have been authorized to share the cost of any jointly-retained expert with privately-retained counsel who may be interested in retaining the same expert, the approval of CJA counsel's request is a prerequisite to formalizing any fee arrangement with such experts.

3. Assuming that CJA Counsel's request for payment of fees for expert services is granted by this Court, all Defendants' counsel will require additional time to formalize the retention of, and to consult with potential expert witnesses in order to receive and consider their opinions in advance of preparing any related motions to dismiss.

4. In the meantime, and over one year since both the return of the indictment in this case and the initial appearances of defendants before this Court, the Government remains in the process of producing discovery to Defendants. The most recent status report filed by the Government relates that the next batch of discovery (the eighth) is still being processed for production by a company in South Carolina, and no production date is anticipated. *See* Doc. 162 at 2. Given that batch 8 was explained by the Government to consist of evidence it intends to offer at trial, while not alleviating the need for a more comprehensive review of the discovery in this case, it may nevertheless lend some focus to the review of discovery by expert witnesses and defense counsel alike.

5. In addition, at various status conferences held in this case and the related cases, the Court related its understanding that defendants may wish to consider any plea proposals in order to inform their individual decision as to whether to proceed to file any motion to dismiss.

6. Plea proposals were received by each of the Defendants between June 15, 2015 and June 22, 2015 (*see* Doc. 162 at 4) and counsel for each defendant will utilize the intervening time pending receipt of the approval of the pending request for expert services to consider the plea proposals in order to determine whether or not to proceed with the filing of any motions to dismiss.

7. Defendants therefore respectfully request that the Court enter its Order granting additional time, to and including September 1, 2015, in which they may file any motion to dismiss.

WHEREFORE, for the foregoing reasons, Defendants jointly request that the Court grant their motion for a sixty-day extension of time to and including September 1, 2015, in which to file any motion to dismiss and grant all such other and further relief this Court finds just and warranted under the circumstances.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 30th day of June, 2015, a true and correct copy of the foregoing was filed with the Court using the CM/ECF system, and service upon all participants in the case who are CM/ECF users will be accomplished by operation of that system.

/s/ Jason A. Korner